

ZB# 00-20

LG Enterprises

73-4-4

#00-20-L.G. Enterprises

73-4-4.

Area

Refund.

~~May 8, 2000~~

Cps. provided

~~Public Hearing~~

May 22, 2000.

Public Hearing:

June 12, 2000

Granted.

Refund:

\$203.00

Counthymen, Timothy
Agent for owner

APPLICATION FEE (DUE AT TIME OF FILING OF APPLICATION)

APPLICANT: L.C. Enterprises

FILE# DO-20.

RESIDENTIAL: \$50.00
INTERPRETATION: \$150.00

COMMERCIAL: \$150.00

AREA X

USE _____

APPLICATION FOR VARIANCE FEE \$ 50.00

*paid 5/22/00
ck # 980*

* * *

ESCROW DEPOSIT FOR CONSULTANT FEES \$ 300.00.

*paid 5/22/00
ck # 981*

DISBURSEMENTS:

STENOGRAPHER CHARGES: \$4.50 PER PAGE

PRELIMINARY MEETING-PER PAGE 5/22/00-3 \$ 13.50
2ND PRELIMINARY- PER PAGE 6/12/00-3 \$ 13.50
3RD PRELIMINARY- PER PAGE \$ _____
PUBLIC HEARING - PER PAGE \$ _____
PUBLIC HEARING (CONT'D) PER PAGE \$ _____
TOTAL \$ 27.00

ATTORNEY'S FEES: \$35.00 PER MEEETING

PRELIM. MEETING: 5/22/00 \$ 35.00
2ND PRELIM. 6/12/00 \$ 35.00
3RD PRELIM. \$ _____
PUBLIC HEARING. \$ _____
PUBLIC HEARING (CONT'D) \$ _____
TOTAL \$ 70.00

MISC. CHARGES:

..... \$ _____
TOTAL \$ 97.00

LESS ESCROW DEPOSIT \$ 300.00
(ADDL. CHARGES DUE) \$ _____
REFUND DUE TO APPLICANT . \$ 203.00

Town of New Windsor
555 Union Avenue
New Windsor, NY 12553
(814) 563-4611

RECEIPT
#393-2000

05/24/2000

Enterprises, Inc. L.g.

Received \$ 50.00 for Zoning Board Fees, on 05/24/2000. Thank you for stopping by the Town Clerk's office.

As always, it is our pleasure to serve you.

Dorothy H. Hansen
Town Clerk

Z.B.A # 00-20

ck # 980

-----X
In the Matter of the Application of

L.G. ENTERPRISES

**MEMORANDUM OF
DECISION GRANTING
AREA VARIANCE**

#00-20.
-----X

WHEREAS, L. G. ENTERPRISES, 108 Lauren Lane, Lakehurst, N. J. 08773, has made application before the Zoning Board of Appeals for a 5 ft. 6 in. rear yard variance for existing deck at 450 Philo Street in an R-4 zone; and

WHEREAS, a public hearing was held on the 12th day of June, 2000 before the Zoning Board of Appeals at the Town Hall, New Windsor, New York; and

WHEREAS, James Countryman appeared on behalf of this Application; and

WHEREAS, there no spectators appearing at the public hearing; and

WHEREAS, no one spoke in opposition to this Application; and

WHEREAS, a decision was made by the Zoning Board of Appeals on the date of the public hearing granting the application; and

WHEREAS, the Zoning Board of Appeals of the Town of New Windsor sets forth the following findings in this matter here memorialized in furtherance of its previously made decision in this matter:

1. The notice of public hearing was duly sent to residents and businesses as prescribed by law and in The Sentinel, also as required by law.

2. The evidence presented by the Applicant showed that:

(a) The property is a residential property consisting of a one-family home located in a neighborhood containing one-family homes.

(b) The deck was constructed in 1995 or 1996. A building permit was obtained for construction but no certificate of occupancy was ever obtained.

(c) The deck does not divert the drainage of water, or cause any ponding or collection of water.

(d) The deck is similar to other decks in the neighborhood.

- (e) There are no complaints on file either formal or informal about this deck.
- (f) The deck is necessary to promote safety as there is an exit from the house to the rear. Absent a deck a person exiting the house would probably suffer significant injury.
- (g) The deck is not constructed on top of any water or sewer easement.

WHEREAS, The Zoning Board of Appeals of the Town of New Windsor makes the following conclusions of law here memorialized in furtherance of its previously made decision in this matter:

1. The requested variance will not produce an undesirable change in the character of the neighborhood or create a detriment to nearby properties.
2. There is no other feasible method available to the Applicant which can produce the benefits sought.
3. The variance requested is substantial in relation to the Town regulations but nevertheless is warranted for the reasons listed above.
4. The requested variance will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or zoning district.
5. The difficulty the Applicant faces in conforming to the bulk regulations is self-created but nevertheless should be allowed.
6. The benefit to the Applicant, if the requested variance is granted, outweighs the detriment to the health, safety and welfare of the neighborhood or community.
7. The requested variance is appropriate and is the minimum variance necessary and adequate to allow the Applicant relief from the requirements of the Zoning Local Law and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community.
8. The interests of justice will be served by allowing the granting of the requested area variance.

NOW, THEREFORE, BE IT

RESOLVED, that the Zoning Board of Appeals of the Town of New Windsor GRANT a request for a 5 ft. 6 in. rear yard variance for an existing deck at the above residence, in an R-4 zone as sought by the Applicant in accordance with plans filed with the Building Inspector and presented at the public hearing.

BE IT FURTHER

RESOLVED, that the Secretary of the Zoning Board of Appeals of the Town of New Windsor transmit a copy of this decision to the Town Clerk, Town Planning Board and Applicant.

Dated: August 14, 2000.



Chairman

Date June 27, 2000, 19.....

TOWN OF NEW WINDSOR

TOWN HALL, 555 UNION AVENUE
NEW WINDSOR, NEW YORK 12553

TO L. H. Enterprises, Inc. DR.
108 Lauren Lane, Lakehurst, NJ 08733

DATE	CLAIMED	ALLOWED
6/27/00	Refund of Crown Deposit #00-20	\$203.00

STATE OF NEW YORK,
TOWN OF NEW WINDSOR

} ss.

.....
I hereby certify, that the items of this account are correct; that the disbursements and services charged therein have in fact been made and rendered, and that no part thereof has been paid or satisfied, that the amount herein mentioned is in full settlement for all services rendered and materials furnished.

Sign Here

No.

Town of New Windsor

.....
Nature

Amount Claimed \$

Amount Allowed \$

Filed

I hereby certify that at a meeting of
said Town Board held at the office of the
Town Clerk on the day
of, 19.....

the within claim was audited and allowed
for the sum of

\$

.....
Clerk

L.G. ENTERPRISES, INC.
108 LAUREN LANE
LAKEHURST, NJ 08733

55-760-1
312

981

Date 5/3/00

Pay To
The Order Of TO rent of New Windsor \$ 300 ^{XX}

Three hundred Dollars  Security Features
Detailed on Back

PNC BANK, N.A.
NEW JERSEY 060

For 450 Philo ZPA #00-20 herda Gonzales
⑆031207607⑆ 0981⑈8008653993⑈


L.G. ENTERPRISES, INC.
108 LAUREN LANE
LAKEHURST, NJ 08733

55-760-1
312

980

Date 5/3/00

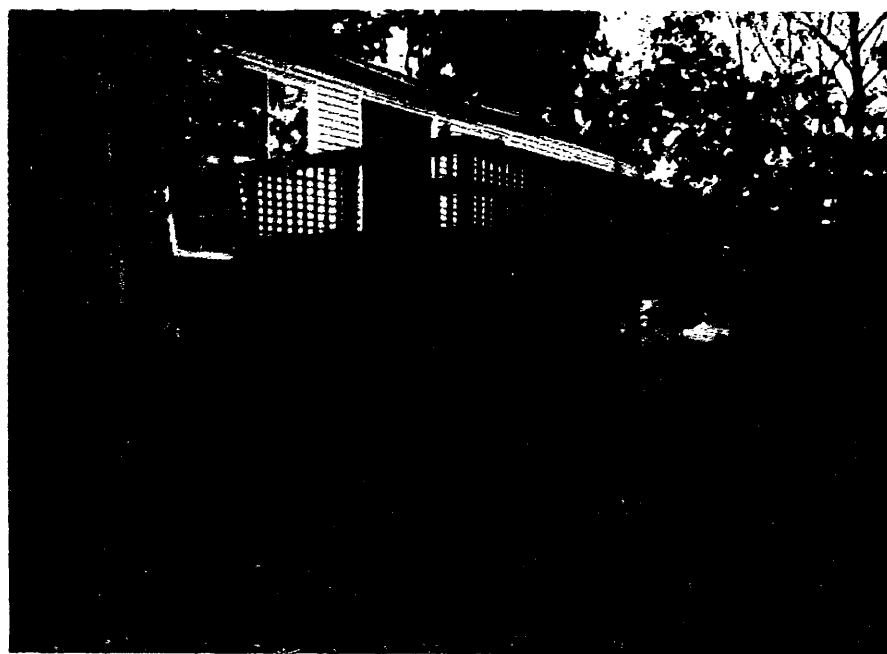
Pay To
The Order Of Town of New Windsor - zoning \$ 50 ^{XX}

Fifty Dollars  Security Features
Detailed on Back

PNC BANK, N.A.
NEW JERSEY 060

For 450 Philo ZPA #00-20 herda Gonzales
⑆031207607⑆ 0980⑈8008653993⑈





Date 6/26/00, 19.....

TOWN OF NEW WINDSOR

TOWN HALL, 555 UNION AVENUE
NEW WINDSOR, NEW YORK 12553

TO Frances Roth
168 N. Drury Lane DR.
Newburgh, N.Y. 12550

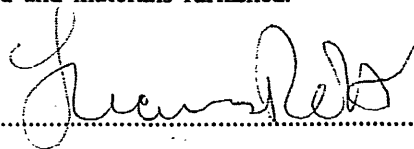
DATE			CLAIMED	ALLOWED
6/12/00		Zoning Board Mtg	75 00	
		Misc - 1		
		Bobare - 3		
		Hunsinger - 5		
		Luongo - 4		
		Reynolds - 3		
		Fox - 8		
		L.G. Enterprises - 3 \$13.50		
		Trinajstic - 9		
		U&R Associates - 5	184 50	
		41		
			359 50	

STATE OF NEW YORK,
TOWN OF NEW WINDSOR

} ss.

I hereby certify, that the items of this account are correct; that the disbursements and services charged therein have in fact been made and rendered, and that no part thereof has been paid or satisfied, that the amount herein mentioned is in full settlement for all services rendered and materials furnished.

Sign Here



No.

Town of New Windsor

Nature

Amount Claimed \$

Amount Allowed \$

Filed

I hereby certify that at a meeting of
said Town Board held at the office of the
Town Clerk on the day

of, 19.....

the within claim was audited and allowed

for the sum of

\$

.....
Clerk

L.G. ENTERPRISES

MR. NUGENT: Request for 5 ft. 6 in. rear yard variance for existing deck at 450 Philo Street in an R-4 zone.

Mr. James Countryman appeared before the board for this proposal.

MR. NUGENT: Is there anyone here for L.G. Enterprises other than the applicant? Let the record show there's no one here.

MS. CORSETTI: We sent out, how many did we send out?

MR. COUNTRYMAN: I think 76 or 77.

MS. CORSETTI: I think there were a lot. We have a proxy here that's filed also. Minimum rear yard they require 4 foot 5.

MR. NUGENT: It's five foot six with an asterisk. Did you change it to five foot six?

MR. BABCOCK: Yeah, it was at 12 foot, Mr. Chairman and then there was some further measurements done and the deck is farther from the property line than what our original conversation with the people were and I don't have the date when it got changed but it got changed to now it has 34 foot six inches so apparently a survey came into our office that showed some different numbering and so he needs a five foot six variance.

MR. NUGENT: Go ahead.

MR. COUNTRYMAN: This is an existing deck, I believe it was reconstructed at some point in time after the original owner purchased the property, but prior to a divorce between spouses in 1995 or 6, Mr. Spouse took possession of the house from his ex, put it in the name of L.G. Enterprises. At that time, he had a building permit taken out to build this deck. This permit didn't identify the variance that was required, for some reason, the permit was left open and no one came and we went to close the property.

MR. NUGENT: It's been sold now?

MR. COUNTRYMAN: It's under contract for sale, it won't be sold until there's a variance to allow the permit to close on the deck.

MS. CORSETTI: For the record, Mr. Chairman, there were 77 letters sent out to adjacent property owners.

MR. REIS: No replies, no responses?

MS. CORSETTI: No.

MR. KANE: Any water hazards created from the deck being added?

MR. COUNTRYMAN: No.

MR. KANE: Deck is in the same nature as the decks on the homes in the area?

MR. COUNTRYMAN: My understanding there is a long history of the homes in the area need needing variances and I understand there are several applications coming in for variances, so it is in keeping with the character of the neighborhood.

MR. KRIEGER: Visually, there appear to be several decks in the neighborhood.

MR. COUNTRYMAN: Yes, I think it's safe to say each home in the neighborhood has a deck.

MR. KANE: Any complaints on the deck that you know of?

MR. COUNTRYMAN: No.

MR. TORLEY: Absent the variance, this house would not permit any deck at all because of the setback?

MR. COUNTRYMAN: I believe it would allow an eight foot deck and we have a 12 foot deck.

MR. BABCOCK: It would allow a five foot six deck.

MR. TORLEY: My understanding the back of the house is 40 feet from the property line?

MR. COUNTRYMAN: That would have been the original application drawn from a plot plan, not the actual survey.

MR. BABCOCK: It's 34 foot six inches to the deck from the deck to the property line should be 40.

MR. TORLEY: Remove the deck would be an economic hardship not having a deck of that narrow nature would make it an unsafe exit?

MR. COUNTRYMAN: Yes, second floor.

MR. REIS: Accept a motion?

MR. KRIEGER: It's not built over the top of any water or sewer easement, right?

MR. COUNTRYMAN: Not to my knowledge.

MR. NUGENT: I'll accept a motion.

MR. REIS: Make a motion we grant L.G. Enterprises requested variance at 450 Philo Street.

ROLL CALL

MR. REIS	AYE
MR. TORLEY	AYE
MR. KANE	AYE
MR. NUGENT	AYE

**OFFICE OF THE BUILDING INSPECTOR
TOWN OF NEW WINDSOR
ORANGE COUNTY, NEW YORK**

COPY

NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION

**APPLICANT IS TO PLEASE CONTACT THE ZONING BOARD SECRETARY AT (914) 563-4630 TO
MAKE AN APPOINTMENT WITH THE ZONING BOARD OF APPEALS.**

DATE: April 27, 2000

APPLICANT: L.G. Enterprises
108 Lauren Lane
Lakehurst, NJ 08773

PLEASE TAKE NOTICE THAT YOUR APPLICATION DATE:

FOR : Existing rear deck

LOCATED AT: 450 Philo St.

ZONE: R-4

DESCRIPTION OF EXISTING SITE: 73-4-4

IS DISAPPROVED ON THE FOLLOWING GROUNDS:

1. Existing rear deck does not meet minimum rear yard set-back.


BUILDING INSPECTOR

PERMITTED

PROPOSED OR
AVAILABLE:

VARIANCE
REQUEST:

ZONE: R-4 USE: 8-G

MIN. LOT AREA:

MIN LOT WIDTH:

REQ=D.. FRONT YD: ,

REQ=D. SIDE YD:

REQD. TOTAL SIDE YD:

REQ=D REAR YD: 40 permitted

34'6"

5'6"

REQ=D FRONTAGE:

MAX. BLDG. HT.:

FLOOR AREA RATIO:

MIN. LIVABLE AREA:

DEV. COVERAGE:

cc: Z.B.A., APPLICANT, FILE W/ ATTACHED MAP

PLEASE ALLOW FIVE TO TEN DAYS TO PROCESS
IMPORTANT
YOU MUST CALL FOR ALL REQUIRED INSPECTIONS OF CONSTRUCTION

Other inspections will be made in most cases but those listed below must be made or Certificate of Occupancy may be withheld. Do not mistake an unscheduled inspection for one of those listed below. Unless an inspection report is left on the job indicating approval of one of these inspections it has not been approved and it is improper to continue beyond that point in the work. Any disapproved work must be reinspected after correction.

1. When excavating is complete and footing forms are in place (before pouring.)
2. Foundation Inspection. Check here for waterproofing and footing drains.
3. Inspect gravel base under concrete floors and underslab plumbing.
4. When framing, rough plumbing, rough electric and before being covered.
5. Insulation.
6. Final inspection for Certificate of Occupancy. Have on hand electrical inspection data and final certified plot plan. Building is to be completed at this time. Well water test required and engineer's certification letter for septic system required.
7. Driveway inspection must meet approval of Town Highway Superintendent. A driveway bond may be required.
8. \$50.00 charge for any site that calls for the inspection twice.
9. Call 24 hours in advance, with permit number, to schedule inspection.
10. There will be no inspections unless yellow permit card is posted.
11. Sewer permits must be obtained along with building permits for new houses.
12. Septic permit must be submitted with engineer's drawing and perc test.
13. Road opening permits must be obtained from Town Clerk's office.
14. All building permits will need a Certificate of Occupancy or a Certificate of Compliance and here is no fee for this.

FOR OFFICE USE ONLY:

Building Permit #: **303-2100**

**AFFIDAVIT OF OWNERSHIP AND/OR CONTRACTOR'S COMP & LIABILITY INSURANCE CERTIFICATE IS
REQUIRED BEFORE PERMIT WILL BE ISSUED**

PLEASE PRINT CLEARLY - FILL OUT ALL INFORMATION WHICH APPLIES TO YOU

Owner of Premises L.G. Enterprises

Address 450 Philo Street, New Windsor, NY 12553 Phone (732) 657-1135

Mailing Address 108 Lauren Lane, Lakehurst, NJ 08773

Name of Architect N.A.

Address _____ Phone _____

Name of ~~Contractor~~ Realtor: Kahn Inc. Realtors/Timothy Countryman

Address 100 Stony Brook Court, Newburgh, NY 12550 Phone (914) 562-4800 ext.307

State whether applicant is owner, lessee, agent, architect, engineer or builder Agent

If applicant is a corporation, signature of duly authorized officer. Anthony J. [Signature] (Owner)
(Name and title of corporate officer)

1. On what street is property located? On the east side of Philo Street
(N,S,E or W)
and 100 feet from the intersection of Nina Street
2. Zone or use district in which premises are situated residential Is property a flood zone? Y N XX
3. Tax Map Description: Section 73 Block 4 Lot 4
4. State existing use and occupancy of premises and intended use and occupancy of proposed construction.
a. Existing use and occupancy Residential/Tenant b. Intended use and occupancy Residential/Owner
5. Nature of work (check if applicable) New Bldg ☐ Addition ☐ Alteration ☒ Repair ☐ Removal ☐ Demolition ☐ Other ☐
6. Is this a corner lot? NO EXISTING 12x23 Rear Deck
7. Dimensions of entire new construction. Front _____ Rear _____ Depth _____ Height _____ No. of stories _____
8. If dwelling, number of dwelling units: one Number of dwelling units on each floor _____
Number of bedrooms 3 Baths 1 Toilets 2 Heating Plant: Gas XX Oil _____
Electric/Hot Air _____ Hot Water XX If Garage, number of cars 2
9. If business, commercial or mixed occupancy, specify nature and extent of each type of use NA

10. Estimated cost Already Existing Fee \$50.00
Deck.

PAID

____/____/____
date

APPLICATION FOR BUILDING PERMIT
TOWN OF NEW WINDSOR, ORANGE COUNTY, NEW YORK
Pursuant to New York State Building Code and Town Ordinances

Building Inspector: Michael L. Babcock
Asst. Inspectors Frank Lisi & Louis Krychear
New Windsor Town Hall
555 Union Avenue
New Windsor, New York 12553
(914) 563-4618
(914) 563-4693 FAX

Bldg Insp Examined _____
Fire Insp Examined _____
Approved _____
Disapproved _____
Permit No. _____

26
28
12
66
34

INSTRUCTIONS

- This application must be completely filled in by typewriter or in ink and submitted in duplicate to the Building Inspector.
- Plot plan showing location of lot and buildings on premises, relationship to adjoining premises or public streets or areas, and giving a detailed description of layout of property must be drawn on the diagram, which is part of this application.
- This application must be accompanied by two complete sets of plans showing proposed construction and two complete sets of specifications. Plans and specifications shall describe the nature of the work to be performed, the materials and equipment to be used and installed and details of structural, mechanical and plumbing installations.
- The work covered by this application may not be commenced before the issuance of a Building Permit.
- Upon approval of this application, the Building Inspector will issue a Building Permit to the applicant together with approved set of plans and specifications. Such permit and approved plans and specifications shall be kept on the premises, available for inspection throughout the progress of the work.
- No building shall be occupied or used in whole or in part for any purpose whatever until a Certificate of Occupancy shall have been granted by the Building Inspector.

APPLICATION IS HEREBY MADE to the Building Inspector for the issuance of a Building Permit pursuant to the New York Building Construction Code Ordinances of the Town of New Windsor for the construction of buildings, additions, or alterations, or for removal or demolition or use of property as herein described. The applicant agrees to comply with all applicable laws, ordinances, regulations and certifies that he is the owner or agent of all that certain lot, piece or parcel of land and/or building described in this application and if not the owner, that he has been duly and properly authorized to make this application and to assume responsibility for the owner in connection with this application.

Samuel J. Courtenayman
(Signature of Applicant)

100 STONY BROOK CT NRG 12550
(Address of Applicant)

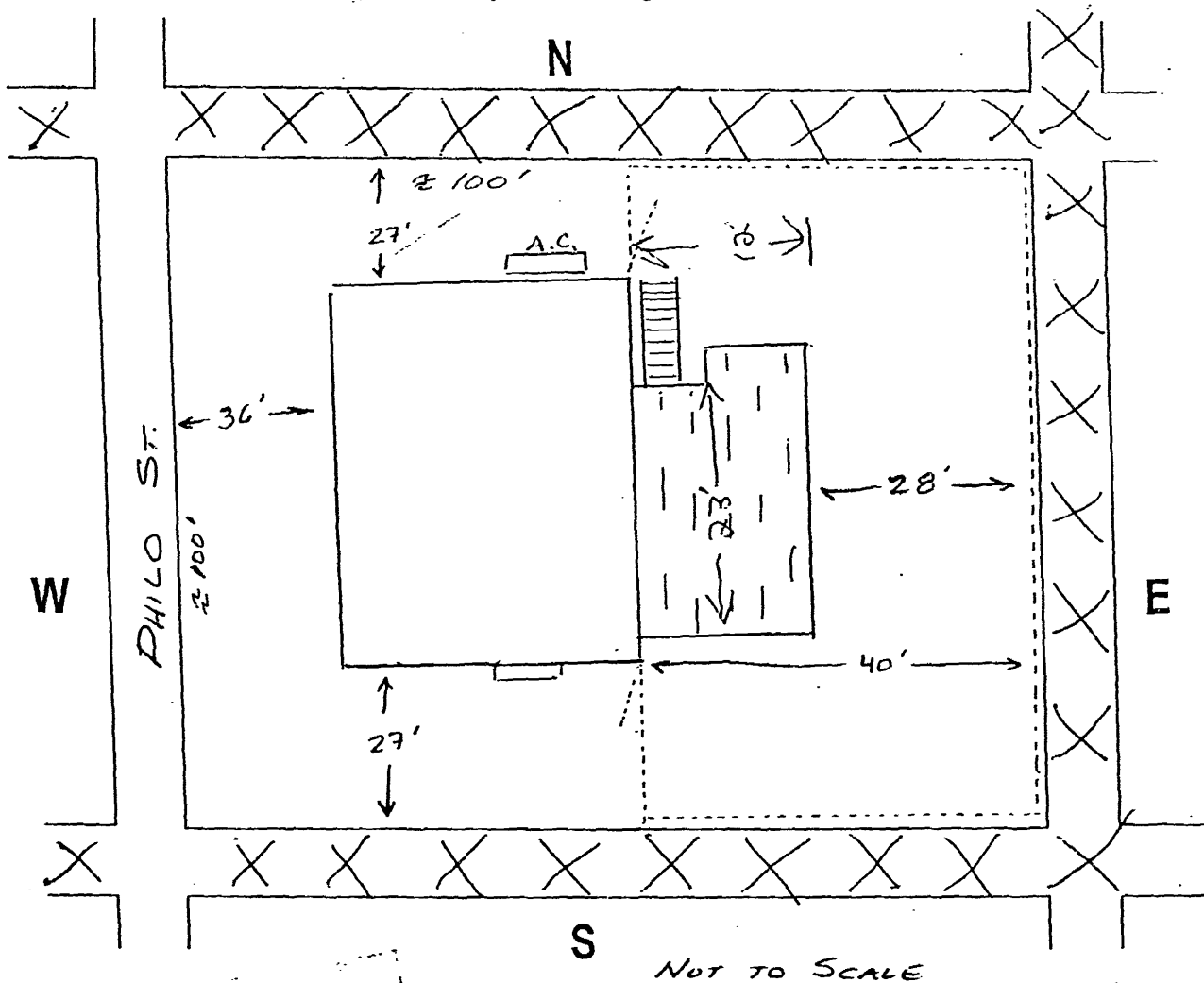
Antoine Gonzalez
(Owner's Signature)

108 LAUREN LN
LAKEHURST, NY # 08773
(Owner's Address)

PLOT PLAN

NOTE:

Locate all buildings and indicate all set back dimensions. Applicant must indicate the building line or lines clearly and distinctly on the drawings.



Date 5/3/00, 19.....

TOWN OF NEW WINDSOR

TOWN HALL, 555 UNION AVENUE
NEW WINDSOR, NEW YORK 12553

TOFrances Roth..... DR.
168 N. Drury Lane
.....Newburgh, N.Y. 12550.....

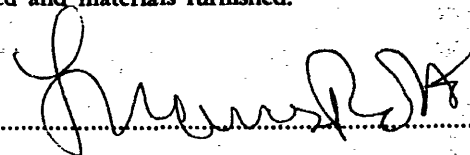
DATE			CLAIMED	ALLOWED
5/2/00		Zoning Board Mtg	75.00	
		Misc - 3		
		Morano - 7		
		Ujor - 3		
		L.G. Enterprises - 3 \$13.50		
		Bila Partners - 9		
		Deleo - 9		
		Shuman - 2	162.00	
		<u>36</u>	<u>162.00</u>	
			237.00	
		James Nugent		

STATE OF NEW YORK,
TOWN OF NEW WINDSOR

} ss.

I hereby certify, that the items of this account are correct; that the disbursements and services charged therein have in fact been made and rendered, and that no part thereof has been paid or satisfied, that the amount herein mentioned is in full settlement for all services rendered and materials furnished.

Sign Here



No.
Town of New Windsor

Nature

Amount Claimed \$

Amount Allowed \$

Filed

I hereby certify that at a meeting of
said Town Board held at the office of the

Town Clerk on the day

of 19.....

the within claim was audited and allowed

for the sum of

\$

.....
Clerk

L.G. ENTERPRISES

MR. NUGENT: Request for 12 ft. rear yard variance for existing deck at 450 Phil Street in an R-4 zone.

Mr. James Countryman appeared before the board for this proposal.

MR. COUNTRYMAN: I'm Jim Countryman and I'm the real estate agent for L.G. Enterprises. The home is currently under contract for sale and during the title search, we discovered that there was not a C.O. on the deck and when we applied for the building permit, we also found the deck was constructed, I believe your records show 12 feet, but when we measured 4 1/2 feet too close to the back property line.

MR. TORLEY: You're sure of the measurement?

MR. COUNTRYMAN: Four and a half feet. That was based on the original dimensions of the lot that I had been given but when we actually measured it, we found it was 4 1/2 feet.

MR. NUGENT: You're going to have to have a variance in any case, a 4 foot variance is a lot nicer than a 12 foot variance.

MR. KANE: Make sure.

MR. COUNTRYMAN: We measured it from the recent survey line, Frank, from the building department measured it with me.

MR. REIS: As far as you know, this deck is not over any easements?

MR. COUNTRYMAN: As far as I know, no, in fact, this deck was built as a replacement to an original deck, they used the same footings for this one, they just extended the overhang, apparently.

MR. KANE: Other houses in the area have similar style decks?

MR. COUNTRYMAN: Yes, I think just about every one of them.

MR. TORLEY: Probably all over the zoning code there, too.

MR. COUNTRYMAN: I talked to a number that are.

MR. NUGENT: You're representing the owner of this house?

MR. COUNTRYMAN: Yes.

MR. NUGENT: Do you have a proxy statement for that?

MS. BARNHART: Yeah, it's right here.

MR. COUNTRYMAN: Yes, I do.

MR. KANE: Accept a motion?

MR. NUGENT: I'll accept a motion.

MR. REIS: I make a motion that we set up L.G. Enterprises for the requested variance.

MR. KANE: Second it.

ROLL CALL

MR. KANE	AYE
MR. REIS	AYE
MR. MCDONALD	AYE
MR. TORLEY	AYE
MR. NUGENT	AYE

MR. COUNTRYMAN: I got all your paperwork, can I leave the mailing with you?

MS. BARNHART: Sure.

MR. KRIEGER: If you take this with you, when you come back for the final, if you would address yourself to

May 22, 2000

14

the criteria set forth on that sheet, that would be helpful, since those are the criteria on which the zoning board must decide.

MR. NUGENT: That's all you need.

MR. COUNTRYMAN: Thank you.



Town of New Windsor

555 Union Avenue
New Windsor, New York 12553
Telephone: (914) 563-4631
Fax: (914) 563-4693

Assessors Office

May 2, 2000

177

Tim Countryman
450 Philo Street
New Windsor, NY 12553

Re: 73-4-4

According to our records, the attached list of property owners are within five hundred (500) feet of the above referenced property.

The charge for this service is \$ 95.00.

Please remit the balance to the Town Clerks Office.

Sincerely,

Leslie Cook/bw
Leslie Cook
Sole Assessor

LC/bw
Attachments

CC: Pat Corsetti, ZBA

Robert J & Mary F Volz
323 Nina Street
New Windsor, NY 12553

Victor & Rose D'Esposito
93 Keats Drive
New Windsor, NY 12553

Robert A Jr. & Antoinette Faig
79 Keats Drive
New Windsor, NY 12553

Ben & Irena Eng
91 Keats Drive
New Windsor, NY 12553

Helene M & James J Lennon
375 Byron Lane
New Windsor, NY 12553

David R Jr. & Debra Ann Petterson
89 Keats Drive
New Windsor, NY 12553

Inez I Montilla
354 Shelly Road
New Windsor, NY 12553

Konstantinos & Margarita Ioannidis
87 Keats Drive
New Windsor, NY 12553

Joseph F & Angela J Bell
82 Keats Drive
New Windsor, NY 12553

Leo C & Sandra I Talbot
83 Keats Drive
New Windsor, NY 12553

John J & Colleen McManamon
84 Keats Drive
New Windsor, NY 12553

Micheal Sulla & Kathleen A Healy
380 Frost Lane
New Windsor, NY 12553

Micheal R & Jane Lauria
86 Keats Drive
New Windsor, NY 12553

David & Migdalia Ramos
85 Keats Drive
New Windsor, NY 12553

Anthony T & Beverley A Marchesani
88 Keats Drive
New Windsor, NY 12553

Gerald & Eva Maria Wolfe
97 Keats Drive
New Windsor, NY 12553

Warren L Schaefer & Marion Knox
95 Keats Drive
New Windsor, NY 12553

Darryl J & Sarah R Dreyer
353 Nina Street
New Windsor, NY 12553

X

John J & Mary C Guarracino
429 Philo Street
New Windsor, NY 12553

X

Robert & Xiomara D'Agostine
335 Nina Street
New Windsor, NY 12553

X

Micheal T Sr. & Sandra L Muller
351 Nina Street
New Windsor, NY 12553

X

Kenneth G & Jeanne T Martin
427 Philo Street
New Windsor, NY 12553

X

Joseph Hafner & Hyon Lemons
333 Nina Street
New Windsor, NY 12553

X

Richard S & Marilene D Baskind
349 Nina Street
New Windsor, NY 12553

X

Thomas & Kathleen Finneran
446 Philo Street
New Windsor, NY 12553

X

Richard C Breakiron & Anneke-Jans
Bogardus
331 Nina Street
New Windsor, NY 12553

X

Fred & Annette Kaiser
347 Nina Street
New Windsor, NY 12553

X

Bob & Rosemary Hersh
444 Philo Street
New Windsor, NY 12553

X

Brian & Diane Picerno
329 Nina Street
New Windsor, NY 12553

X

Patrick Murtagh & Lisa Izzo
345 Nina Street
New Windsor, NY 12553

X

William Corcoran
448 Philo Street
New Windsor, NY 12553

X

John N & Catherine A Canale
327 Nina Street
New Windsor, NY 12553

X

Peter & Irene Malaszuk
343 Nina Street
New Windsor, NY 12553

X

Kevin & Leslie Hofving
452 Philo Street
New Windsor, NY 12553

X

John E & Marilyn R Kresevic
322 Nina Street
New Windsor, NY 12553

X

Joseph J Jr. & Patricia A Grimm
437 Philo Street
New Windsor, NY 12553

X

Thomas N Trinajstic
454 Philo Street
New Windsor, NY 12553

X

Steven Weissman
PO Box 4135
New Windsor, NY 12553

X

Alfred & Maureen Cestari
435 Philo Street
New Windsor, NY 12553

X

Richard P & Laura J Graziano
456 Philo Street
New Windsor, NY 12553

X

Irwin & Mary Toback
440 Philo Street
New Windsor, NY 12553

X

Joseph & Elizabeth M Como
433 Philo Street
New Windsor, NY 12553

X

Donald S & Diana McKeon
339 Nina Street
New Windsor, NY 12553

X

Frank & Deborah Prego
442 Philo Street
New Windsor, NY 12553

X

Secretary of Veterans Affairs
C/o Fayer & Greenberger
175 Fulton Ave
Hempstead, NY 11550

X

Ursula Roberts
337 Nina Street
New Windsor, NY 12553

X

Steven E Dixon
325 Nina Street
New Windsor, NY 12553

X

Otto Scheible
532 Macnary Lane
New Windsor, NY 12553

Thomas F & Margaret M Organ
360 Nina Street
New Windsor, NY 12553

Gail Lehman
340 Nina Street
New Windsor, NY 12553

Anton & Lucia Cech
81 Steele Road
New Windsor, NY 12553

Carol Probst
358 Nina Street
New Windsor, NY 12553

Mary & William Kostenblatt
338 Nina Street
New Windsor, NY 12553

David A & Julianna Recine &
Julia T Bilello
79 Steele Road
New Windsor, NY 12553

Thomas J JR. & Kathleen L Griffin
356 Nina Street
New Windsor, NY 12553

Brendan F & Susan D De Milt
336 Nina Street
New Windsor, NY 12553

Lois S Musman & Richard A Steele
C/o Lois Steele
PO Box 2181
Newburgh, NY 12550

Carmine & Frances Lepora
354 Nina Street
New Windsor, NY 12553

Marilyn Mutinelli
334 Nina Street
New Windsor, NY 12553

Dominick & Melissa Pileggi
423 Philo Street
New Windsor, NY 12553

Robert F & Margaret K Mullins
352 Nina Street
New Windsor, NY 12553

Elliott & Vicki Cohen
332 Nina Street
New Windsor, NY 12553

Patrick T & MaryAnn McCarthy
425 Philo Street
New Windsor, NY 12553

Howard L App
350 Nina Street
New Windsor, NY 12553

Francis A & Geraldine Nicolosi
330 Nina Street
New Windsor, NY 12553

Micheal J & Trude Antonacci
609 Sim Street
New Windsor, NY 12553

John C & Kathryn McCrossen
348 Nina Street
New Windsor, NY 12553

Thomas J & Joanne M Farrell
328 Nina Street
New Windsor, NY 12553

Micheal Restuccia
30 Sloan Court
Wallkill, NY 12589

Isidoro & Rosaria Macchiarella
346 Nina Street
New Windsor, NY 12553

Allen P & Stephanie L Mittelman
326 Nina Street
New Windsor, NY 12553

Keith & Evelyn Aigner
364 Nina Street
New Windsor, NY 12553

Robert E Jr, Lennon & Stacey Hauptman
344 Nina Street
New Windsor, NY 12553

Henry Cruz
357 Nina Street
New Windsor, NY 12553

Jan & Angelina Rostek
362 Nina Street
New Windsor, NY 12553

Jeanne Stiller
342 Nina Street
New Windsor, NY 12553

Myron & Phyllis F Bernstein
As Trustees
355 Nina Street
New Windsor, NY 12553

TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS

APPLICATION FOR VARIANCE

00-20.

Date: May 3, 2000

I. ✓ Applicant Information:

- (a) L. G. Enterprises Inc. 108 Lauren Ln. Lakehurst, NJ 98733 732-657-1135
(Name, address and phone of Applicant) (Owner)
- (b) Christopher & Elke Spencer 1058 Hogerburgh Rd. Wallkill, NY 12589
(Name, address and phone of purchaser or lessee)
- (c) David Kintzer 265 Rt. 17K Newburgh, NY 12550 914-567-3126
(Name, address and phone of attorney)
- (d) Timothy Countryman 100 Stony Brook Ct. Newburgh, NY 12550 914-562-4800 x307
(Name, address and phone of ~~contractor/engineer/architect~~ Agent)

II. Application type:

- () Use Variance () Sign Variance
- (X) Area Variance () Interpretation

III. ✓ Property Information:

- (a) 4 450 Philo St. New Windsor, NY 12553 73-4-4 0.23 acres
(Zone) (Address) (S B L) (Lot size)
- (b) What other zones lie within 500 ft.? None
- (c) Is a pending sale or lease subject to ZBA approval of this application? Yes
- (d) When was property purchased by present owner? 1996
- (e) Has property been subdivided previously? No
- (f) Has property been subject of variance previously? No
If so, when? N.A.
- (g) Has an Order to Remedy Violation been issued against the property by the Building/Zoning Inspector? No
- (h) Is there any outside storage at the property now or is any proposed? Describe in detail: N.A.
- _____
- _____
- _____

IV. Use Variance. N/A

- (a) Use Variance requested from New Windsor Zoning Local Law, Section _____, Table of _____ Regs., Col. _____, to allow:
(Describe proposal) _____
- _____
- _____
- _____

(b) The legal standard for a "use" variance is unnecessary hardship. Describe why you feel unnecessary hardship will result unless the use variance is granted. Also set forth any efforts you have made to alleviate the hardship other than this application.

(c) Applicant must fill out and file a Short Environmental Assessment Form (SEQR) with this application.

(d) The property in question is located in or within 500 ft. of a County Agricultural District: Yes____ No____.

If the answer is Yes, an agricultural data statement must be submitted along with the application as well as the names of all property owners within the Agricultural District referred to. You may request this list from the Assessor's Office.

✓ V. Area variance:

(a) Area variance requested from New Windsor Zoning Local Law, Section 48-12, Table of Use/Bulk Regs., Col. G.

<u>Requirements</u>	<u>Proposed or Available</u>	<u>Variance Request</u>
Min. Lot Area _____	_____	_____
Min. Lot Width _____	_____	_____
Reqd. Front Yd. _____	_____	_____
Reqd. Side Yd. _____	_____	_____
Reqd. Rear Yd. <u>40' required</u>	<u>35.5' available</u>	<u>4.5' variance requested</u>
Reqd. Street Frontage* _____	_____	_____
Max. Bldg. Hgt. _____	_____	_____
Min. Floor Area* _____	_____	_____
Dev. Coverage* _____ %	_____ %	_____ %
Floor Area Ratio** _____	_____	_____
Parking Area _____	_____	_____

* Residential Districts only

** No-residential districts only

✓ (b) In making its determination, the ZBA shall take into consideration, among other aspects, the benefit to the applicant if the variance is granted as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant. Also, whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance; (2) whether the benefit sought by the applicant can be achieved by some other method feasible for the applicant to pursue other than an area variance; (3)

whether the requested area variance is substantial; (4) whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; and (5) whether the alleged difficulty was self-created. Describe why you believe the ZBA should grant your application for an area variance:

This property is under contract for sale. A check of certificates of occupancy revealed an open (expired) building permit for the deck. Upon reapplication and on site inspection, it was determined that this deck extended into the rear yard set-back. A variance is necessary to obtain a certificate of occupancy, and to complete this sale. The new owners will be resident and will be in better position to properly care for the property than the current absentee owners.
(You may attach additional paperwork if more space is needed)

VI. Sign Variance: N/A

(a) Variance requested from New Windsor Zoning Local Law, Section _____, _____ Regs.

	<u>Requirements</u>	<u>Proposed or Available</u>	<u>Variance Request</u>
Sign 1	_____	_____	_____
Sign	_____	_____	_____
Sign 3	_____	_____	_____
Sign	_____	_____	_____
	_____	_____	_____
	_____	_____	_____

(b) Describe in detail the sign(s) for which you seek a variance, and set forth your reasons for requiring extra or over size signs.

(c) What is total area in square feet of all signs on premises including signs on windows, face of building, and free-standing signs?

VII. Interpretation: N/A

(a) Interpretation requested of New Windsor Zoning Local Law, Section _____, Table of _____ Regs., Col. _____.

(b) Describe in detail the proposal before the Board:

✓ VIII. Additional comments:

(a) Describe any conditions or safeguards you offer to ensure that the quality of the zone and neighboring zones is maintained or

(b) Variance: Granted (____) Denied (____)

(c) Restrictions or conditions: _____

_____.

NOTE: A FORMAL DECISION WILL FOLLOW UPON RECEIPT OF THE PUBLIC
HEARING MINUTES WHICH WILL BE ADOPTED BY RESOLUTION OF ZONING BOARD OF
APPEALS AT A LATER DATE.

(ZBA DISK#7-080991.AP)

73-4-4.

ZONING BOARD OF APPEALS:TOWN OF NEW WINDSOR
COUNTY OF ORANGE:STATE OF NEW YORK

-----X

In the Matter of the Application for Variance of

L. G. Enterprises

10-20.

AFFIDAVIT OF
SERVICE
BY MAIL

-----X

STATE OF NEW YORK)

) SS.:

COUNTY OF ORANGE)

PATRICIA A. CORSETTI, being duly sworn, deposes and says:

That I am not a party to the action, am over 18 years of age and reside at
7 Franklin Avenue, New Windsor, N. Y. 12553.

That on the 24th day of May, 2000, I compared the 77
addressed envelopes containing the Public Hearing Notice pertinent to this case
with the certified list provided by the Assessor regarding the above application
for a variance and I find that the addresses are identical to the list received. I
then caused the envelopes to be deposited in a U.S. Depository within the Town
of New Windsor.

Patricia A. Corsetti

Notary Public

Sworn to before me this

____ day of _____, 20____.

Notary Public

P R O X Y A F F I D A V I T

SUBMISSION OF APPLICATION FOR VARIANCE # _____

ZONING BOARD OF APPEALS

TOWN OF NEW WINDSOR

STATE OF NEW YORK)

) SS.:

COUNTY OF ORANGE)

Linda Gonzales (L.G. Enterprises, Inc.), deposes and says:
I am the OWNER of a certain parcel of land within the TOWN OF NEW
WINDSOR designated as tax map SECTION 73 BLOCK 4
LOT 4. I HEREBY AUTHORIZE Timothy J. Countryman
of Kahn Inc. Realtors (company name) to make an
application before the ZONING BOARD OF APPEALS as described in
the within application.

Dated: May 5, 2000.

Linda Gonzales
(Signature of Owner)

Sworn to before me this

5 day of May 2000
Debbie A. Gordon
Notary Public

(ZBA DISK#1-060895.PXY)

DEBBIE A. GORDON
NOTARY PUBLIC OF NEW JERSEY
My Commission Expires February 24, 2005

Kar-Vin Abstract Corp.

273 Quassaick Avenue - New Windsor, New York 12553

(914) 562-2622

Fax No. (914) 565-8737

Vincent J. Tangredi
President

3/27/00

Bloom & Bloom, P.C.
P. O. Box 4323
New Windsor, NY 12553

Re: Title No. 201110
Premises: 450 Philo Street
Purchaser: Christopher T. Spencer and Elke Spencer
Seller: L.G. Enterprises, Inc.
Lender: Norwest Mortgage, Inc.

Gentlemen:

Enclosed please find:

(XX) Certificate and Report of Title. Kindly advise the undersigned of the time and place of closing.

() Addenda to Certificate and Report of Title. Kindly annex to title report.

- () Survey
- () Survey Reading
- () Affirmative Insurance (BANK ONLY)
- () Residential Mortgage Endorsement (BANK ONLY)
- () Street Report
- () Certificate of Occupancy
- () Description or Amended Description
- () Updated Tax Schedule
- () Violation Search

Very truly yours,

Vincent J. Tangredi

VJT:lml

cc: Vergilis, Stenger, Roberts & Pergament, Esqs.
David M. Kintzer, Esq.

Enclosure

Issuing Policies of
STEWART TITLE
INSURANCE COMPANY

CERTIFICATE OF TITLE ISSUED BY

STEWART TITLE

INSURANCE COMPANY

Certifies to the proposed insured named in Schedule A that an examination of title to the premises described in Schedule A has been made in accordance with its usual procedure and agrees to issue its standard form of title insurance policy in favor of the proposed insured, covering premises described in Schedule A, in the amounts hereinafter set forth, insuring the fee and / or mortgage and the marketability thereof, after the closing of the transaction in conformance with procedures approved by the Company excepting (a) all loss or damage by reason of the estates, interests, defects, objections, liens, encumbrances and other matters set forth herein that are not disposed of to the satisfaction of the Company prior to such closing or issuance of the policy (b) any question or objection coming to the attention of the Company before the date of closing, or if there be no closing, before the issuance of said policy.

This Certificate shall be null and void (1) if the fees therefor are not paid (2) if the prospective insured, his attorney or agent makes any untrue statement with respect to any material fact or suppresses or fails to disclose any material fact or if any untrue answers are given to material inquiries by or on behalf of the Company (3) upon delivery of the policy. Any claim arising by reason of the issuance hereof shall be restricted to the terms and conditions of the standard form of insurance policy. If title, interest or lien to be insured was acquired by the prospective insured prior to delivery hereof, the Company assumes no liability except under its policy when issued.

STEWART TITLE
INSURANCE COMPANY



Countersigned by:

A handwritten signature, likely of an agent, written over a horizontal line.

Company _____
Address _____
City State _____
Agent No _____

A handwritten signature, likely of the President, written over a horizontal line.
President
A handwritten signature, likely of the Secretary, written over a horizontal line.
Secretary

KAR-VIN ABSTRACT CORP.
273 Quassaick Avenue
New Windsor, N.Y. 12553
(914) 562-2622 FAX (914) 565-8737

STEWART TITLE INSURANCE COMPANY

Title No. 201110

Effective Date: 3/3/00

Redated:

Proposed Insured:

Purchaser: Christopher T. Spencer and Elke Spencer

Mortgagee: Norwest Mortgage, Inc., its Successors and/or
Assigns

Amount of Insurance:

FEE: \$126,690.00

MORTGAGE: \$126,735.00

THIS COMPANY CERTIFIES that a good and marketable title to the premises described in Schedule A, subject to the liens, encumbrances and other matters, if any, set forth in this certificate may be conveyed and/or mortgaged by:

L.G. Enterprises of New Jersey, Inc. who acquired title by deed dated 9/13/96 made by Antonio Gonzalez and recorded in the ORANGE County Clerk's Office on 2/6/97 in Liber 4522 of Deeds, at page 20.

Premises described in Schedule "A" are known as:
450 Philo Street

County: ORANGE

City:

Town: New Windsor

Section/Block/Lot: 73-4-4

STEWART TITLE INSURANCE COMPANY**SCHEDULE A**

Title No. 201110

ALL that certain plot, piece or parcel of land, with the buildings and improvements thereon erected, situate, lying and being in the Town of New Windsor, County of Orange, and State of New York, being Lot No. 4, block E, as shown on a filed map entitled "Woodwind", said filed map being filed in the Orange County Clerk's Office on September 26, 1972, map No. 2869, bounded and described as follows:

BEGINNING at a point on the Easterly line of Philo Street, said point being the intersection of the Easterly line of Philo Street with the Northerly line of Lot No. 3, Block E, as shown on said filed map No. 2869;

THENCE along the Easterly line of Philo Street, North 31-05-00 East 100.00 feet to a point; THENCE along lot No. 5, Block E shown on said filed map No. 2869, South 58-55-00 East 100.00 feet to a point; THENCE along Lot No. 11, Block E, as shown on filed map No. 2869, South 31-05-00 West 100.00 feet to a point; THENCE along Lot No. 3, Block E as shown on said filed map No. 2869, North 58-55-00 West 100.00 feet to the point or place of beginning.

DAVID M. KINTZER
ATTORNEY-AT-LAW

FAX TRANSMITTAL LETTER

TO:	KAW REALTORS
ATTENTION:	TIM COUNTRYMAN
FAX NUMBER:	562-4977
DATE:	5/3/00
FROM:	
SUBJECT:	LG ENTERPRISE TV SPENCER

TOTAL NUMBER OF PAGES, INCLUDING THIS COVER LETTER 5IF YOU DO NOT RECEIVE ALL THE PAGES, PLEASE CALL US AT
THE NUMBER BELOWMESSAGE:

Will this suffice?

PUBLIC NOTICE OF HEARING
ZONING BOARD OF APPEALS
TOWN OF NEW WINDSOR

PLEASE TAKE NOTICE that the Zoning Board of Appeals of the TOWN OF NEW WINDSOR, New York, will hold a Public Hearing pursuant to Section 48-34A of the Zoning Local Law on the following Proposition:

Appeal No. 20.

Request of L. G. Enterprises, Inc.

for a VARIANCE of the Zoning Local Law to Permit:

An existing deck 35.5 feet from the rear property line.

being a VARIANCE of Section 48-12 - Table of Use/Bulk Regs - Col. G

for property situated as follows:

450 Philo Street, Town of New Windsor, Orange County, New York State.

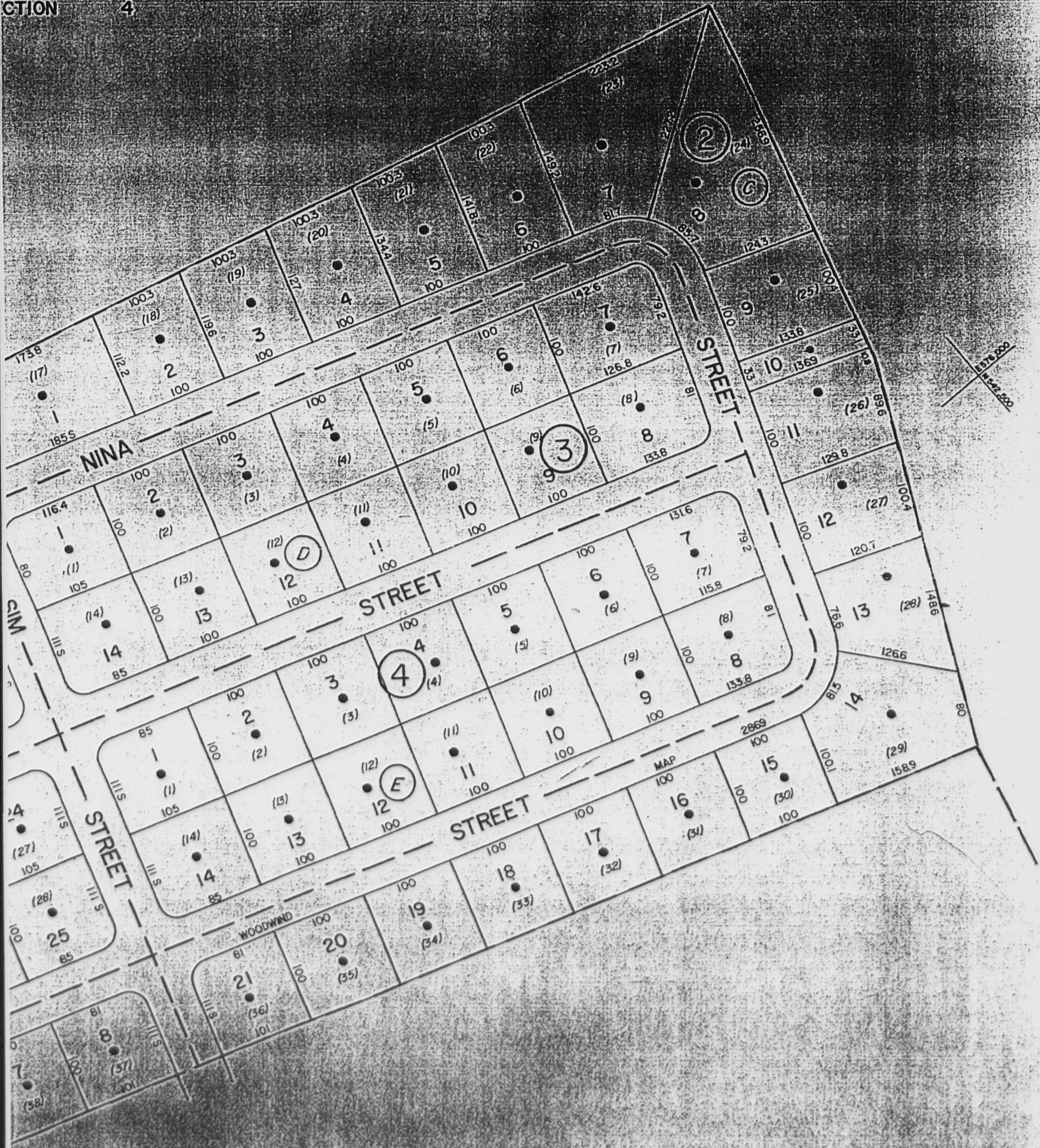
known and designated as tax map Section 73, Blk. 4 Lot 4

PUBLIC HEARING will take place on the 12th day of June, 192000 at the New Windsor Town Hall, 555 Union Avenue, New Windsor, New York beginning at 7:30 o'clock P.M.

James Nugent
Chairman

15.000
1542.000

SECTION 4



SECTION 75

1542.000